

Mr. President, finally I say to all my colleagues, this is a very good bill, and I urge all Senators to vote for it.

I am prepared to yield back the remainder of my time.

Mr. BYRD. Mr. President, will the Senator yield me a minute?

Mr. INOUE. I am pleased to yield.

Mr. BYRD. I thank the Senator. Mr. President, Scriptures say:

Seest thou a man diligent in his business? he shall stand before kings. . . .

These two Senators are diligent in their business. They are experienced legislative craftsmen, and they have studied this subject for many years. In defense of our country, they have traveled all over the globe searching for answers to questions, searching for solutions to problems, and coming back to the Senate and applying their experience, their knowledge to the problems at hand. The Senate is in their debt.

I personally thank them for the good work they have done on this bill, the good work they always do. The Nation is in their debt. I thank them both.

Mr. INOUE. I thank my chairman.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield back my time.

Mr. INOUE. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the committee-reported substitute is agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. INOUE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The question is, Shall the bill, H.R. 5010, as amended, pass? The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea".

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 204 Leg.]

#### YEAS—95

Allard	Dorgan	Lugar
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	

#### NAYS—3

Feingold	McCain	Voinovich
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#### NOT VOTING—2

Akaka	Helms
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The bill (H.R. 5010), as amended, was passed, as follows:

Mr. BOND. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses.

The Presiding Officer appointed Mr. INOUE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, Mr. KOHL, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON conferees on the part of the Senate.

#### ORDER OF PROCEDURE

Mr. DASCHLE. I ask unanimous consent the next vote be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF HENRY E. AUTREY, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Henry E. Autrey, of Missouri, to be United States District Judge, which the clerk will report.

The assistant legislative clerk read the nomination of Henry E. Autrey, of Missouri, to be United States District Judge for the Eastern District of Missouri.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, the Senate Judiciary Committee moved expeditiously to consider Judge Henry Autrey despite the poor treatment of President Clinton's nominees in the same circumstances. I mention this because this vacancy is special. It is a vacancy to which Justice Ronnie White should have been confirmed. But in October of 1999, my friends on the other side of the aisle, the Republicans, marched from a closed-door meeting to vote lockstep against Justice Ronnie White, the first African American Justice of the Missouri Supreme Court, after his nomination to the District Court had been kept waiting for 2 years—2 years here in the Senate; actually kept on the Executive Calendar pending for 9 months.

I mention this because, with all the unfair criticism of Majority Leader DASCHLE, who has been moving judges through at a much faster pace than was done prior to him becoming majority leader, I just want to contrast the difference between that action and the one on this nomination, where we are going to confirm Judge Autrey to the Federal bench in Missouri.

It shows, also, Senator CARNAHAN showed far more grace in helping us move this nominee forward.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BOND. Mr. President, first my appreciation to the President for nominating Judge Autrey. My thanks to Chairman LEAHY and the Senate Judiciary Committee for voting unanimously to confirm him.

We will have discussions about other procedures and other activities in a different forum. In this forum, I express my strongest support and highest confidence that this candidate respects the role of judges in our system of government—the job being to interpret the job rather than to legislate it.

Permit me to tell you that Judge Henry Autrey currently serves as a circuit court judge for the 22nd Judicial Circuit for the State of Missouri, City of St. Louis. Judge Autrey served with distinction as an associate circuit judge beginning in 1986, a position to which he was appointed by then-Governor, John Ashcroft. He was later promoted to the full circuit bench by then-Governor of Missouri, Mel Carnahan.

As a sitting judge for over 15 years, Judge Autrey has displayed an unwavering commitment to honesty and approachability, earning a reputation as a thoughtful and hard-working judge with a judicious temperament.

Prior to his service on the bench, he served as a prosecutor in the City of

St. Louis for 9 years, won convictions in several high-profile cases, and led the office in its work in the area of child abuse prosecution.

His entire career has been spent in the courtroom and therefore he exemplifies someone who has both the personal qualities and the experience to fill this spot and perform this duty in an exemplary manner. He is highly regarded by the law enforcement community in St. Louis. Countless attorneys have expressed their support for him. He has the support of the Mound City Bar Association of St. Louis, the Missouri Prosecuting Attorneys, and the Women Lawyers Association of Greater St. Louis.

He is an ideal candidate for the position.

I appreciate the Senate proceeding to this nomination, and I urge my colleagues to give Judge Autrey their favorable consideration. I reserve my time.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I inform my colleagues when we conclude this series of votes, whatever the number may be—and we will clarify that after this vote—that will conclude the rollcalls for this week. So I urge my colleagues to stay on the floor.

This is a 10-minute vote, and whatever additional votes will be 10-minute votes. If we have to wait 15 or 20 minutes, it just prolongs the time until we will have completed our work on this block of votes and then, therefore, the final, official vote of the week.

So I urge my colleagues to stay on the floor and respond to the votes as their names are called.

I thank the Chair.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Henry E. Autrey to the U.S. District Court in the Eastern District of Missouri.

I have enjoyed reviewing Judge Autrey's distinguished legal record, and I am confident that he will make a fine Federal judge.

Judge Autrey is no stranger to the citizens of eastern Missouri. He has strong roots in the city of St. Louis, having graduated from the University of St. Louis School of Law and having served in the city's Office of the Circuit Attorney, where he prosecuted a variety of criminal cases and later acted as the First Assistant Circuit Attorney. He also served on the Rape Trial Task Force and created the first child abuse unit in the Office of the Circuit Attorney. From 1991 to 1997 he served as Adjunct Professor of Law at St. Louis University School of Law.

Judge Autrey's prosecutorial excellence attracted the attention of both Republican Governor John Ashcroft, who appointed him as an Associate Circuit Judge on the Circuit Court of the City of St. Louis in 1986, and Democratic Governor Mel Carnahan, who elevated him to Circuit Court Judge in 1997. Judge Autrey's judicial experience

on the State bench will serve him well in the district court.

Judge Autrey is described by associates as a judge who "work[s] very hard to ensure that justice is provided to all" and as a "smart and hard-working jurist." He merited an ABA rating of "Unanimous Qualified," and I fully expect him to serve with distinction on the Federal bench in Missouri.

Mr. LEAHY. Mr. President, the Senate Judiciary Committee moved expeditiously to consider Judge Henry Autrey as it has with so many of President Bush's judicial nominees. We have done so despite the poor treatment of President Clinton's nominees by the Republicans when they were in the majority from 1995 through the first half of 2001.

The vacancy being filled by this nomination is special. This is the vacancy that Justice Ronnie White should have been confirmed to fill. But on October 5, 1999, Republicans marched from their closed-door meeting to vote lockstep against Justice Ronnie White. This, even though he had been favorably reported twice by the Judiciary Committee with the apparent backing of from four and seven of the Republicans who served on the committee.

I remember the treatment of Ronnie White very well, as do people in Missouri, I am sure. I recall the efforts made by Gov. Mel Carnahan on Justice White's behalf and how hard I had to work as the ranking Democrat to get his nomination reported to the floor, not once but twice, and to secure a floor vote after the nomination had been pending 2 years and had been pending on the Senate Executive Calendar for 9 months.

It has now been almost 5 years since anyone nominated to the Federal district court in Missouri has been confirmed. The vacancy to which Judge Autrey has been nominated has been vacant even longer—since December 1996, when the late Judge Gunn took senior status. President Clinton nominated Missouri Supreme Court Judge Ronnie White to this vacancy in June 1997. He had to wait nearly a year for a hearing, until May 1998. The committee reported the nomination favorably to the Senate with only three negative votes of the 18 members of the committee. But his nomination sat waiting for a full Senate vote, and, having never received one, was sent back to President Clinton at the end of the 105th Congress after languishing for 6 months on the Senate floor without action.

The President renominated Justice White in January of 1999. He was voted out of the committee a second time in July with at least four of the Republicans on the committee in apparent support of the nomination. After a great deal of effort on the part of Democratic Senators, I thought we had secured for him a fair floor vote. Instead, on October 5, 1999, the Republican-controlled Senate ambushed Justice White's nomination for partisan

gain. As is by now a well-known story, Ronnie White was the victim of a sneak attack on that day. He was defeated on an unprecedented party-line Senate vote and was branded "pro-criminal." These issues were aired during the confirmation hearing of John Ashcroft last year. Senator SPECTER, to his credit, offered an apology to Justice White for the way he was treated.

When there is so much unfair criticism of the way Majority Leader DASCHLE and I have been handling nominations since the change in Senate control last July, I mention this to help contrast the treatment of judicial nominees by Democrats and Republicans. As I have said from the outset, the Democratic majority is treating President Bush's nominees more fairly and moving more of them more quickly than the Republican majority acted with respect to President Clinton's nominees. That is undeniable and today, in yet another example of the stark contrast in our approaches and our actions, we will join to confirm Judge Autrey to the Federal bench in Missouri.

I commend, in particular, Senator CARNAHAN for her support of the fair treatment of Judge Autrey, despite the unfair way Justice White had been treated. Her actions underscore for us what we all know about her that she is a person of character and grace, willing to work on a bipartisan basis in the best interests of the State of Missouri.

With today's vote on the nomination of Judge Henry Autrey to the District Court for the Western District of Missouri, the Democratic-led Senate will have confirmed a total of 65 judicial nominees since the change in Senate majority 1 year ago. The Senate has now confirmed more nominees in a little more than 1 year than were confirmed in any year during the past 6½ years of Republican control of the Senate, from 1995 through 2001. For that matter, we have confirmed more judges than were confirmed in 1996 and 1997 combined. Contrast the 65 judges confirmed by the Democratic Senate with the Republican average, during their past 6½ years of control, of confirming only 38 judges a year.

I congratulate the nominee and his family on his confirmation today and commend Senator CARNAHAN and Majority Leader DASCHLE for all they have done to bring us to this day.

The PRESIDING OFFICER. Who yields time? Is all time yielded back?

Mr. BOND. I yield my time.

Mr. LEAHY. I yield any time we have.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Henry E. Autrey, of Missouri, to be United States District Judge for the Eastern District of Missouri?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

[Rollcall Vote No. 205 Ex.]

YEAS—98

Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	

NOT VOTING—2

Akaka

Helms

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

The majority leader.

Mr. DASCHLE. Mr. President, it is now my intention to go to seven additional district court nominees. Senator LEAHY and the Judiciary Committee have done an extraordinary job of reporting these out. They have been on the calendar. And it is certainly Senator LEAHY's prerogative to ask for a rollcall vote on each nominee.

He and I have discussed this matter, and I would ask the Senator from Vermont, the distinguished chair of the Judiciary Committee, about the need to have additional rollcalls for each of these district judges.

I yield the floor for that purpose.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I tell the distinguished majority leader, the only concern I have had about having rollcall votes is, a couple times we have taken a group of these and had voice votes, with seven, eight going through, and the next day my good friends on the other side of the aisle and the White House have had a press release saying we have not had a single judge

voted on in weeks in the Senate. I think they only notice it if there is a rollcall vote.

I ask my friend, the majority leader, if we do these 7, am I correct that would mean we will have confirmed 72 judges in less than 13 months?

Mr. DASCHLE. Mr. President, that is the current count, 72 district and circuit court judges over that period of time.

Mr. LEAHY. I believe that sets sort of a record for the last 5 or 6 years, in any event.

Mr. President, I know some of my colleagues have the sprint-for-the-airport look in their eye, trying to get home.

I am willing to sacrifice my time and spend the next month, the month of August, in Vermont, close to my constituents, onerous as that may seem.

I would be perfectly willing to accept voice votes on each of these seven judges, but I would just ask my friends: Please, don't issue a press release tomorrow saying that we only voted on one judge today.

We have already voted on one. I will take voice votes on the others.

Mr. DASCHLE. Mr. President, I thank the distinguished chair of the Judiciary Committee. I appreciate very much his cooperation in this regard.

Let me tell my colleagues who need to remember, even though we are going through these voice votes, there is one more rollcall vote on the conference report on the trade promotion authority legislation.

I ask unanimous consent that the Senate proceed to consider the following nominations and that they be considered individually: Executive Calendar Nos. 863, 864, 865, 866, 867, 887, and 888.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF RICHARD E. DORR TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read the nomination of Richard E. Dorr, of Missouri, to be United States District Judge for the Western District of Missouri.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard E. Dorr, of Missouri, to be United States District Judge for the Western District of Missouri?

The nomination was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NOMINATION OF DAVID C. GODBEY TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant bill clerk read the nomination of David C. Godbey, of Texas, to be United States District Judge for the Northern District of Texas.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David C. Godbey, of Texas, to be United States District Judge for the Northern District of Texas?

The nomination was confirmed.

Mr. DASCHLE. Mr. President, we will move to reconsider all of these nominations en bloc and notify the President once they have been voted on. We won't need to go through each one of the motions following the actual voice vote.

#### NOMINATION OF HENRY E. HUDSON TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read the nomination of Henry E. Hudson, of Virginia, to be United States District Judge for the Eastern District of Virginia.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Henry E. Hudson, of Virginia, to be United States District Judge for the Eastern District of Virginia?

The nomination was agreed to.

#### NOMINATION OF TIMOTHY J. SAVAGE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read the nomination of Timothy J. Savage, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Timothy J. Savage, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The nomination was confirmed.

#### NOMINATION OF AMY J. ST. EVE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read the nomination of Amy J. St. Eve, of Illinois, to be United States District Judge for the Northern District of Illinois.